

# PHIL 324: Law and Morality

Summer 2020 (Sections 104/204)  
Online, 5 Week 2 (July 13–August 12)  
Draft Syllabus (April 10, 2020)

## 1 Course Information

Instructor: Ding (Zhiyuan Li)

Pronouns: They/Them/Theirs (if you are unfamiliar with the use of “they” as a singular pronoun, check out this helpful guide on the APA Style blog: <https://apastyle.apa.org/blog/singular-they>)

Email: [din@email.arizona.edu](mailto:din@email.arizona.edu) (please feel free to resend your email if you do not get a response from me within 24 hours)

Office: Social Sciences Building 138

Office hours: By appointment, online (video/text) or in person (if it will be safe again)

## 2 Course Overview & Objectives

What is the relationship between law and morality? Can a morally questionable law nonetheless be *legally* valid, and, if so, do we also have a *moral* obligation to obey such a law just because it is the law? Moreover, can the state be morally justified in legislating against private, consensual behavior just because it violates a shared sense of what’s right or wrong in that society? In this course, we survey leading answers to these questions from the philosophy of law. We also consider how conceptual puzzles about the relationship between law and morality become particularly relevant in a variety of practical cases from feminist jurisprudence. We revisit the Court’s historic decision in *Roe v. Wade* (1973) to recognize a fundamental right to abortion, which bears closely on the concept of personhood and women’s reproductive autonomy and bodily integrity; the Court’s highly split decision in *Obergefell v. Hodges* (2015) to uphold same-sex marriage, which once again highlights the question of whether, and, if so, under what circumstances the state can enforce morality by law; various rape cases that raise serious worries about the legal and moral notions of sexual consent and autonomy; and finally, a recent case *Doe v. Boyertown Area School District* (2018) in which the Third Circuit upheld the school district’s policy to allow trans students access to sex-segregated spaces.

It will probably come as no surprise that these are also some of the most contentious issues that just so easily end up dividing us. By introducing you to the analytical tools that legal and moral philosophy has to offer, the broader aim of this course is to help you learn to engage in sincere and reflective dialogues with your peers, to defend and criticize views with reasoned arguments and responses, and perhaps most importantly, to think *for* yourself.

### **3 Expected Learning Outcomes**

My expectations are, at the conclusion of this course, you will be able to

1. Explain the disagreement among natural law theory, legal positivism, legal interpretivism and legal realism on the nature of law;
2. Illustrate various aspects of the relationship between law and morality in the contexts of abortion, same-sex marriage, rape and sexual consent, and transgender rights;
3. Charitably but critically analyze, interpret, and assess philosophical texts and arguments;
4. Compose a well-reasoned, original argumentative essay that responds to a philosophical issue at the intersection of law and morality;
5. Discuss how philosophical reflection may shed light on contested issues in a divided contemporary society such as the US;
6. Discuss how conceptual tools may help to clarify and express minority experiences that are otherwise masked by oppressive social structures.

PHIL 324 is cross-listed in Political Science and Public Administration & Policy.

### **4 Required Texts**

- H.L.A. Hart, *The Concept of Law*, 3rd ed., Oxford University Press, 2012. Paperback, 978-0199644704. You can probably find very cheap used copies of the 2nd edition (hardcover 1994; paperback 1997). The 2nd edition should have the same pagination as the 3rd. The 1st edition (originally published in 1961), though, is missing an important posthumous postscript that we are going to read, so don't buy that. If you prefer reading a digital copy, you can access the 3rd edition online via the UA Libraries: <https://ebookcentral.proquest.com/lib/uaz/detail.action?docID=5891609> (the page says that UA has access to 3 copies of the book, so I'm not sure if it means only 3 people can read it at the same time).
- Lon Fuller, *The Morality of Law*, Rev. ed., Yale University Press, 1969. Paperback, 978-0300010701. There should be many cheap used copies available as well. Additionally, the UA Libraries have a physical copy that you can check out.

Anyway, if there are any barriers (technical, financial or otherwise) that make it difficult for you to access these texts, please let me know. I'm more than happy to help!

All other required readings will be made available on D2L as PDFs or via the UA Libraries.

### **5 Teaching Format & Expectations for Students**

As our course will be delivered entirely online, it is *really* important that you understand what is expected of you each week.

## 5.1 D2L

First of all, you are expected to be able to use the University's D2L course website. If you have never used D2L before, I highly recommend taking the D2L New Student Orientation: <https://help.d2l.arizona.edu/content/student-orientation-course>.

I'm more than happy to help if you ever encounter any difficulty with D2L. While I understand how frustrating this can be, I wouldn't be able to help if there weren't enough time. So, please be proactive and seek help early, rather than to wait until close to a deadline.

I also suggest making good use of the D2L Help Pages (<https://help.d2l.arizona.edu/>) and the University's 24/7 IT Support (in person, by phone or online chat; see <https://it.arizona.edu/service/247-it-support>). It'd probably take less time to get a solution from them than from me, since, unfortunately, physical laws prevent me from being available 24/7.

## 5.2 Course Structure

Our course is divided into 12 *modules*, each of which is roughly equivalent to 2–3 lectures in the semester-long, in-person version of this course. You are expected to complete 3 modules each week in the first 4 weeks. No modules are assigned to the 5th and final week so you can use the time to work on your final essay.

For each module, please

1. Do all assigned readings as you follow and complete the reading guide;
2. Watch all assigned lectures, and revise your answers on the reading guide in light of the lectures;
3. Discuss the readings and lectures with your peers by participating in the discussion board.

Additionally, there will be two short assignments on the U.S. Supreme Court and the U.S. Constitution due during Week 2 and Week 3, respectively. There will also be a final essay, which you will be asked to draft, peer review, and revise.

There is no firm deadline by which you must do the readings and watch the lectures. However, the reading guides, discussion thread posts and all other assignments must be completed by specific deadlines.

## 5.3 Reading

You are expected to have *done* the assigned readings before watching the lectures. I will provide a reading guide for each module to guide you through the readings. Please read *carefully* and *critically*. Answer questions on the reading guide as you read. Feel free to also write down whatever questions or comments you have: passages that are not clear or do not make sense, or those that you find intriguing or illuminating; objections that you'd like to raise against the

author, or defenses that you'd like to make for the author; alternative views or complications that the author fails to consider, etc.

Please expect to spend 1.5 to 3 hours reading for each module. I understand that this is not a trivial time commitment, but it's unlikely that you will find yourself prepared enough to follow lectures and contribute to discussions if you don't do the readings.

#### **5.4 Please Do Not Procrastinate!**

Procrastination is probably the biggest impediment to success in an online course. And given the fast pace of our 5-week format, if you fall behind, there may be little time for you to catch up. Please do all the readings, don't wait until the last minute to rush through the lectures, remember to turn in assignments on time, and start thinking about your final essay early. The modular structure is in place to help you keep track of your progress, but most will still depend on your own efforts!

### **6 Respect, Care for and Support Each Other**

#### **6.1 Material in This Course**

Since many of the issues that we will cover in this course are not just intellectually but also *personally* relevant, you might find some course material uncomfortable to discuss or even just to read about: It may be difficult enough to you as someone who sincerely cares about the well-being of others. It may be especially difficult if you or a loved one had relevant personal experiences. It may also be difficult because you are implicated as part of a privileged practice, structure or social group that some of our authors identify as morally problematic.

It is therefore particularly important that we *respect, care for* and *support* one another in our course. Let's all work together to help one another to work through difficult material and discussion. Please always feel free to talk to me if you anticipate certain material to be especially difficult for you, or if you think the way certain material gets discussed in the class is disrespectful or otherwise problematic.

#### **6.2 How to Respect, Care for and Support One Another**

Respecting, caring for and supporting your fellow classmates and your instructor come in a variety of forms. Here are some specific examples:

##### *Online Class Discussion*

- Value your peers' contributions to discussion;
- Disagree in a way that takes other people's ideas seriously and sincerely;

- Challenge remarks, jokes and examples that are sexist, misogynistic, racist, xenophobic, homophobic, transphobic, ableist, ageist, classist, etc.;
- Keep discussions inclusive by avoiding talking to only a few specific people;
- Be mindful of how your tone/meaning may or may not be accurately conveyed through your writing alone (for example, if your question could be misunderstood as a rhetorical one, it's probably a good idea to explicitly indicate that it is a genuine question).

#### *Gender (Identity) & Sexual Orientation*

- Use people's preferred pronouns, names and descriptions of their gender (identity) and sexual orientation;
- Avoid visually telling a person's gender (identity) and/or sexual orientation;
- Be careful not to out anyone who does not want to come out, whether openly or to specific people;
- Use women and LGBTQ+ inclusive language (for helpful examples, see <https://www.apaonline.org/page/nonsexist>).

Again, if you feel any aspect of this course results in barriers to your inclusion or ability to participate, please let me know as soon as possible—that is very, very important to me.

### **6.3 University Statements on Threatening Behavior, Discrimination and Harassment**

The UA Threatening Behavior by Students Policy prohibits threats of physical harm to any member of the University community, including to oneself; see <http://policy.arizona.edu/education-and-student-affairs/threatening-behavior-students>.

The University is committed to creating and maintaining an environment free of discrimination; see <http://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>.

Our classroom is a place where everyone is encouraged to express well-formed opinions and their reasons for those opinions. We also want to create a tolerant and open environment where such opinions can be expressed without resorting to bullying or discrimination of others.

## **7 Assessment**

Reading Guides	30%
Structured Discussion Posts	20%
U.S. Supreme Court & Constitution Assignments	10%
Final Essay (Draft, Peer Review & Revision)	40%

All required assignments must be completed in order to pass this course. An F received on any assignment due to academic dishonesty is grounds for an F in the course.

## 7.1 Grade Scheme

The University of Arizona Standard Letter Grade Scheme will apply:

A	90% and above	D	60%–69.9%
B	80%–89.9%	E	59.9% and below
C	70%–79.9%		

Requests for incomplete (I) or withdrawal (W) must be made in accordance with University policies, which are available at <http://catalog.arizona.edu/policy/grades-and-grading-system>.

## 7.2 Reading Guides

Reading philosophy is hard! To help you get the most out of the readings, I will provide a reading guide for each module. The reading guide is both a worksheet and, unsurprisingly, a guide. It's designed to help you work through the key terms and definitions, identify the argumentative structures and moves, and position the readings within the respective debate. Please follow and complete the reading guide as you do the readings.

In lectures, I will also make frequent use of reading guides. You are expected to revise your answers on the reading guide in light of the lectures, but please do not delete your original answers. Instead, use a different color to identify what's revised. Please turn in your revised reading guides by **10pm on the corresponding Friday**.

Reading guides will make up 30% of your final grade.

## 7.3 Structured Discussion Posts

Philosophy is written in a very non-obvious style, and learning to write in that style often turns out challenging. My hope is that, by starting with short discussion posts, you will have the opportunity to develop your philosophical writing skills in a much less intimidating manner.

There will be a discussion thread for each of the modules. You will be asked to participate in 8 of the 12 discussion threads by engaging in an “objection-reply” conversation with your classmates:

- **Initial Post:** You will first write one or two paragraphs (roughly 250 to 300 words) in which you (1) explain an argument from course material, and then (2) respond to that argument by either raising an objection or defending it against a potential objection. I will provide prompts in advance, but you should feel free to write your own prompt especially later in the course. You should post your paragraphs to the discussion board by **10pm on the Friday of the corresponding week**.
- **Objection Post:** You will then respond to two other people’s posts. Each of your responses should be about 125 to 150 words. Although it’s customary to call your response an “objection,” you should feel free to disagree or agree with that person’s post: you can raise

an objection to their argument, offer a further consideration that they don't seem to have given enough thought to, or defend their argument against a potential objection. Please respond first to posts that have not yet received two objections. Anyone who fails to do so may be asked to redo their objection posts. You should post your responses by **10pm on the corresponding Sunday**.

- **Reply Post:** Finally, you will reply to the objections you received. Each of your replies should be about 125 to 150 words. You should post these by **10pm on the corresponding Tuesday**. (Of course, please feel free to post further responses beyond the reply post, but they are not required, and will not be graded.)

Your structured discussion posts will make up 20% of your final grade. If you participate in more than 8 discussion threads, only the highest 8 grades will count toward your final grade.

#### 7.4 U.S. Supreme Court & Constitution Assignments

There will be two short assignments designed to help you familiarize yourself with the U.S. Supreme Court and various constitutional amendments. Knowing these will be especially helpful when we start to read actual court opinions in the latter half of our course—the justices and judges will frequently refer to certain amendments and use lots of jargon with the expectation that you will understand them. (Please don't do this in your own essay, though! Reading philosophy free of jargon is already hard enough. Using tons of jargon is also just much less cool than conveying the same idea with plain words. Please never expect your readers to be familiar with the key terms you use!)

For each assignment, you will be asked to read introductory pieces and/or watch videos, and then complete an open-book quiz. You will be allowed unlimited time to work on the quiz, as long as you submit it by the deadline. You will be allowed to take each quiz only once, and you may not be able to return to the quiz if you accidentally exit it. You may not collaborate with others.

The U.S. Supreme Court and Constitution assignments will make up 10% of your final grade.

#### 7.5 Final Essay

You will be asked to write a final essay for this course. This will be an opportunity for you to engage with course material in depth while continuing to develop your philosophical writing skills. Your final essay should be 6–8 pages (roughly 1500–2000 words) long. I will distribute instructions, prompts and a rubric in advance.

You must turn in a draft for your final essay. Failure to turn in a draft on time will be penalized by up to a full letter grade (10%) on the revision. While the draft will not be graded, it will receive comments from both your peers and me. You are also expected to read and comment on two other students' drafts. The revision must be substantive, and must respond to comments received.

I strongly encourage all of you to meet with me at least once to discuss your final essay (please email me to set up an appointment!).

The revision of your final essay will make up 30% of your final grade, and your participation in the peer review process another 10%.

## 8 Grading Policies

### 8.1 Anonymous Grading

To help reduce implicit biases, please prepare anything you turn in (not including discussion posts) for anonymous grading by **providing only your student ID number**.

### 8.2 Time Zone

Unless otherwise specified, all times and dates listed on this syllabus are **Mountain Standard Time (MST)**. MST is 7 hours behind the Coordinated Universal Time (UTC-7). Please be careful that MST is not the same as Mountain time (MT) or Mountain Daylight Time (MDT), as Tucson does *not* observe Daylight Saving Time. Time zone issues are not legitimate excuses for late or missed assignments.

By adjusting D2L settings, you can display deadlines according to your local time zone; see <https://help.d2l.arizona.edu/content/students-my-home-page#5>.

### 8.3 Late Assignments and Extensions

No late assignments will be accepted. All requests for extensions must be sent to me by email **no later than 24 hours before the deadline**. As long as you provide a plausible reason and a clear plan for completing the assignment, an extension will likely be granted.

### 8.4 Make-Up Assignments

Make-ups for missed assignments will be granted only for legitimate emergencies. Please let me know about your situation as soon as reasonable. But unless extraordinary circumstances can justify a delay, please send me your request by email **within 10 days of the original assignment due date**, and certainly by the last day of class.

If the situation makes it impossible to meet the university's final grade reporting deadline, I will assign the incomplete (I) grade. In that case, you should complete a Report of Incomplete Grade Form (<https://www.registrar.arizona.edu/grades/incomplete-i-grade>) as a contract with me. You will be able to make up for the assignment within a year, after which the incomplete grade will automatically convert to a failing grade.

## 8.5 Upset about Your Grade? Seek Help Early!

If you are upset about a grade you received, or are unsatisfied about your overall performance, you are more than welcome to meet with me during office hours or by appointment. This way, we can have an honest and constructive discussion about how to improve. I strongly encourage you to be proactive and seek help early, rather than to wait close to a deadline or until the end of the semester, at which point there may not be much I can do to help.

## 8.6 Contested Grades

### 8.6.1 Contested Assignment Grades

Unfortunately, grading can never be perfect, and I take my grading mistakes *very* seriously. If you wish to contest a grade on an assignment, please wait **24 hours after receiving your grade**, and then **submit a request to me in writing within 10 days** from the date on which the grade is published. In your request, please provide a detailed, compelling explanation for why the grade should be considered unfair (it is not enough, for example, to just say that your roommate thinks your assignment deserves a better grade). I will make a decision based on your explanation, but I will not punish you by lowering the grade I assigned to you. If you wish to appeal my final decision, you may choose either of the following options:

1. With your consent, I will ask another instructor from the UA Department of Philosophy (a previous instructor of this course, if feasible) to serve as an independent moderator and grade your assignment *de novo*. That is, they will grade it as if it were graded for the first time, and, in particular, without knowledge of how it was graded by me. The independent moderator's grade will simply substitute the grade I originally assigned to you, so it could be higher, lower or the same as my grade. The independent moderator's grade will be final and binding.
2. Alternatively, you may submit a formal appeal in writing to Professor Jason Turner, Head of the Department of Philosophy, whose decision will be final and binding.

### 8.6.2 Contested Final Course Grades

Appeals for final course grades should be made in accordance with university policies: <https://catalog.arizona.edu/policy/grade-appeal>.

## 8.7 Sorry, But No Extra Credit

I do *not* offer extra credit for fairness reasons: It is usually students who already have excellent grades that are motivated to take advantage of extra credit opportunities (e.g., by doing additional assignments) and who more often actually earn extra credit (e.g., by correctly answering tricky bonus questions). Also, students can effectively be punished for not doing extra credit work, especially when many others do get extra credit. Finally, the forms of extra credit I considered using,

such as public lecture attendance outside of class, cannot avoid disproportionately disadvantaging students who have to work, or have kids to take care of, etc.

I highly recommend checking out this light reading (in Hermione's sense, of course) on the ethics of extra credit by Professor Nathan Nobis: <https://1000wordphilosophy.com/2018/02/25/ethics-and-extra-credit/>.

## 9 Academic Integrity

You are encouraged to share intellectual views and discuss freely the principles and applications of course materials. However, graded work/exercises must be the product of independent effort unless otherwise instructed. You are expected to adhere to the UA *Code of Academic Integrity* as described in the UA General Catalog; see <http://deanofstudents.arizona.edu/academic-integrity/students/academic-integrity>.

I view academic dishonesty of any sort as a *very* serious violation of University requirements. Academic dishonesty may result in an F in this course, and possibly further disciplinary action by the University.

### 9.1 Plagiarism

Plagiarism is the representation of another's works or ideas as one's own. It includes the unacknowledged word for word use and/or paraphrase of another person's work, and/or the inappropriate unacknowledged use of another person's ideas. There should be no misunderstanding about word for word transcriptions or simple paraphrases—these *must* be acknowledged through proper citations.

It is sometimes not clear, though, when simply using the ideas of another requires citation. This is especially true in the context of a course in which you are presumably acquiring fundamental ideas of a subject matter from the text or the instructor. Certain ideas are in the public domain, so to speak; they are ideas used by everyone working in the field, and do not require citation. Other ideas are such that their origin needs to be acknowledged. It is sometimes difficult for beginning students to distinguish these, though. It is helpful to remember that what is at issue is whether the failure to acknowledge a source would tend to misrepresent the idea as your own. The failure to acknowledge your source for a distinction between consequentialism and deontology, for example, would not tend to misrepresent the distinction as your own since it is a distinction that most people working in the field will draw in some way or other. To offer a *specific* account of this distinction that is offered by another without citing the source could easily tend to misrepresent the account as your own. It is clearly better to err on the side of over-acknowledgment in cases where you are in doubt.

The University Libraries have some excellent tips for avoiding plagiarism, available at <https://new.library.arizona.edu/research/citing/plagiarism>. If, after reading it, you have questions about

what constitutes plagiarism, please do not hesitate to ask me.

## 9.2 Collaboration

Whether you consider yourself a good writer or not, you are strongly encouraged to exchange drafts of your final essay with your fellow classmates, and to make use of the Think Tank Writing Center's free tutoring services (see <https://thinktank.arizona.edu/writing-center>). However, you should always acknowledge *all* the help and feedback that contributed to your thought and writing. It is standard scholarly practice to include an acknowledgments section at the end of your essay, or place a footnote or endnote where you acknowledge being helped with a particular issue, point, piece of evidence or line of argument. Look for examples in our assigned readings.

## 9.3 Inappropriate Student Use of Class Notes and Course Materials

Taking notes is a means of recording information but more importantly of personally absorbing and integrating the educational experience. However, disseminating class notes and/or course materials beyond the classroom community, including but not limited to selling them to other students or to a third party for resale, is strictly prohibited without the instructor's express prior written consent.

Inappropriate student use of class notes and course materials seriously undermines instructor interests in their intellectual work while not substantially furthering instructor and student interests in effective learning. It violates shared norms and standards of the academic community, is subject to the *Code of Academic Integrity*, and may result in course sanctions. Additionally, students who use D2L or UA email to sell or buy such notes or course materials are subject to *Code of Conduct* violations for misuse of student email addresses. Finally, this misconduct may also constitute copyright infringement.

You are allowed to exchange notes with classmates enrolled in the same semester, but may not share notes with students enrolled in future semesters or consult notes from students enrolled in previous semesters.

# 10 Accessibility and Accommodations

Our goal in this classroom is that learning experiences be as accessible as possible. If you anticipate or experience physical or academic barriers based on disability, please let me know immediately so that we can discuss options. You are also welcome to contact the Disability Resource Center (520-621-3268) to establish reasonable accommodations. For additional information on the Disability Resource Center and reasonable accommodations, please visit <http://drc.arizona.edu>.

If you have reasonable accommodations, please plan to meet with me by appointment or during office hours to discuss accommodations and how my course requirements and activities may impact your ability to fully participate.

## **11 Absence and Class Participation**

The UA policy concerning class attendance, participation, and administrative drops is available at <http://catalog.arizona.edu/policy/class-attendance-participation-and-administrative-drop>.

The UA policy regarding absences for any sincerely held religious belief, observance or practice will be accommodated where reasonable: <http://policy.arizona.edu/human-resources/religious-accommodation-policy>.

Absences preapproved by the UA Dean of Students (or the Dean's designee) will be honored; see <http://policy.arizona.edu/employmenthuman-resources/attendance>.

## **12 Syllabus Change**

Information contained in the course syllabus, other than the grade and absence policy, may be subject to change with advance notice, as deemed appropriate by the instructor.

## **13 (Lack of) Diversity in Philosophy**

Unfortunately, philosophy as an institutionalized discipline is remarkably male and remarkably white. This lack of diversity is often apparent just by looking at the topics and the authors typically taught in introductory philosophy courses (which, again, unfortunately include our course). However, philosophy is becoming more and more diverse thanks to the efforts of multiple generations of philosophers. In the second half of the course, we will discuss several topics central to feminist legal theory and philosophy, and we will have chances to read many exceptional legal theorists and philosophers who are themselves members of underrepresented groups.

As a philosophy student, you can also help the profession address its diversity and inclusiveness problems by seriously engaging with the works of minority authors and supporting your fellow minority students.

## **14 Schedule**

### **I. Introduction**

#### **Module 1    Overview: Philosophy? Law? Morality?**

Read in advance:

- Lon Fuller, *The Morality of Law* (Rev. ed. 1969), appendix, and chapter 1 (pp. 1–13)
- H.L.A. Hart, *The Concept of Law* (3rd ed. 2012), chapter 1
- Suggested: Roger Shiner, “Law and Morality,” in *A Companion to Philosophy of Law and Legal Theory*, ed. Dennis Patterson (1996)

## II. General Jurisprudence

### Module 2 Law and Morality: Natural Law Theorists' Views

Read in advance:

- Thomas Aquinas, *Summa Theologica*, Questions 90, 94–96
- Lon Fuller, *The Morality of Law*, chapter 2 (sections 1–2)

### Module 3 Law and Morality: Legal Positivists' Views

Read in advance:

- John Austin, *The Province of Jurisprudence Determined* (1832), excerpts from Lectures I, V, and VI
- H.L.A. Hart, *The Concept of Law*, excerpts from chapters 5, 6 (section 1), and 9 (sections 1 and 3)
- Suggested: Lon Fuller, *The Morality of Law*, chapter 5

Reading guides 1–3 due by 10pm on Friday, July 17

Modules 1–3 initial posts due by 10pm on Friday, July 17

Modules 1–3 objection posts due by 10pm on Sunday, July 19

### Module 4 Dworkin's Objection to Hart's Positivism and Hart's Reply

Read in advance:

- Ronald Dworkin, “The Model of Rules,” *University of Chicago Law Review* (1967), excerpts
- H.L.A. Hart, *The Concept of Law*, excerpts from postscript

Modules 1–3 reply posts due by 10pm on Tuesday, July 21

### Module 5 Case Study: The Speluncean Explorers

Read in advance:

- Lon Fuller, “The Case of the Speluncean Explorers,” *Harvard Law Review* (1949)

U.S. Supreme Court assignment due by 10pm on Wednesday, July 22

## **Module 6    Are We Morally Required to Obey the Law?**

Read in advance:

- John Rawls, “Legal Obligation and the Duty of Fair Play,” in *Collected Papers*, ed. Samuel Freeman (1999), excerpts
- M. B. E. Smith, “Is There a Prima Facie Obligation to Obey the Law?”, *Yale Law Journal* (1973), excerpts
- Robert Nozick, *Anarchy, State and Utopia* (1974), pp. 90–95

Reading guides 4–6 due by 10pm on Friday, July 24

Modules 4–6 initial posts due by 10pm on Friday, July 24

Modules 4–6 objection posts due by 10pm on Sunday, July 26

## **Module 7    Should Morality Be Enforced by Law?**

Read in advance:

- Patrick Devlin, “The Enforcement of Morals,” *Proceedings of the British Academy* (1959), excerpts
- Ronald Dworkin, “Lord Devlin and the Enforcement of Morals,” *Yale Law Journal* (1966), excerpts

Modules 4–6 reply posts due by 10pm on Tuesday, July 28

## **III. Feminist Jurisprudence**

### **Module 8    Abortion**

Read/Listen in advance:

- *Griswold v. Connecticut*, 381 U.S. 479 (1965), excerpts
- *Roe v. Wade*, 410 U.S. 113 (1973), excerpts
- *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), opinion announcement recording, 00:00–14:04
- *Whole Woman’s Health v. Hellerstedt*, 579 US \_\_\_\_ (2016), opinion announcement recording
- Suggested: *Juno Medical Services LLC v. Russo*, 905 F.3d 787 (5th Cir. 2018), currently pending before the U.S. Supreme Court (Case No. 18-1323)

U.S. Constitution assignment due by 10pm on Wednesday, July 28

## **Module 9    Same-Sex Marriage**

Read/Listen in advance:

- *Lawrence v. Texas*, 539 U.S. 558 (2003), opinion announcement recording
- *Obergefell v. Hodges*, 576 U. S. \_\_\_\_ (2015), pp. 6–28, 40–68

Reading guides 7–9 due by 10pm on Friday, July 31

Modules 7–9 initial posts due by 10pm on Friday, July 31

Modules 7–9 objection posts due by 10pm on Sunday, August 2

## **Module 10   Rape, Consent & Sexual Autonomy**

Read in advance:

- Lois Pineau, “Date Rape: A Feminist Analysis,” *Law and Philosophy* (1989), excerpts
- Robin West, “A Comment on Consent, Sex, and Rape,” *Legal Theory* (1996), excerpts
- Michelle Anderson, “Negotiating Sex,” *Southern California Law Review* (2005), pp. 101–9

Modules 7–9 reply posts due by 10pm on Tuesday, August 4

## **Module 11   Rape, Consent & Sexual Autonomy (Cont.)**

Read in advance:

- Michelle Anderson, “Negotiating Sex,” pp. 114–21 (skim), 121–38
- Rebecca Kukla, “That’s What She Said: The Language of Sexual Negotiation,” *Ethics* (2018), excerpts
- Robin West, “Sex, Law, and Consent,” in *The Ethics of Consent: Theory and Practice*, ed. Alan Wertheimer and William Miller (2009), excerpts

**Draft of final essay due by 10pm on Wednesday, August 5**

## **Module 12   Transgender Rights**

Read in advance:

- *Doe v. Boyertown Area School District*, 897 F.3d 518 (3d Cir. 2018), excerpts
- “Doe ex rel. Doe v. Boyertown Area School District,” *Harvard Law Review* (2019)
- Suggested: Hi-Phi Nation, “For Women Only” (2019), parts 1–2, podcast

Reading guides 10–12 due by 10pm on Friday, August 7

Modules 10–12 initial posts due by 10pm on Friday, August 7

**Peer review of final essay due by 10pm on Saturday, August 8**

Modules 10–12 objection posts due by 10pm on Sunday, August 9

Modules 10–12 reply posts due by 10pm on Tuesday, August 11

**Revision of final essay due by 10pm on Wednesday, August 12**